

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF JEANNE) APPEAL NOS. 07-A-2684
GORRISSEN from the lack of decision of the Board) AND 07-A-2685
of Equalization of Valley County for tax year 2007.) FINAL DECISION
) AND ORDER

IMPROVED CABIN SITE APPEALS

THESE MATTERS came on for hearing January 15, 2008, in Cascade, before Hearing Officer Travis VanLith. Board Members Lyle R. Cobbs, David E. Kinghorn, and Linda Pike participated in this decision. Attorney Jonathon Hallin appeared for Appellant. Assessor Karen Campbell, Chief Deputy Assessor Deedee Gossi and Appraiser Charles Pickens appeared for Respondent Valley County. These appeals are from a failure of the Valley County Board of Equalization (BOE) to hear and decide on Appellant's protest of the valuation for taxing purposes of property described as Parcel Nos. XR00191000161BA and LR00191000161BA.

The issue on appeal is the market value of improvements and a leased cabin site.

The decision of the Valley County Board of Equalization is affirmed.

FINDINGS OF FACT

Under appeal is the assessed value of a Cottage Site located on Payette Lake in Valley County, leased from the State of Idaho. An assessed value of the cabin situated on the lot is also under appeal.

Appellant stated in Protest of Valuation to Valley County, according to Idaho Code § 63-602F(1), Appellant's right to XR00191000161A (land) is exempt from taxation. The parcel was described as an undeveloped/unimproved leased lot.

Parcel No. XR00191000161BA

The assessed land value is \$ 131,490. Appellant requests the land value be reduced to zero.

The subject property is a .65 acre lot located at Payette Lake Cottage Sites. The cottage site is leased from the State of Idaho.

Parcel No. LR00191000161BA

The improvements' valuation is \$271,580. Appellant requests the improvements' value be reduced to \$237,000.

The subject property is a 1,652 square foot residence located on the above described .65 acre cottage site at Payette Lake Cottage Sites leased from the State of Idaho.

Appellant's attorney noted Appellant's case would be based "on the record" before the Board.

The Assessor presented a spreadsheet which included land sales which took place in 2005 and 2006. The sales ranged in price from \$60,000 to \$179,000. The size of the lots ranged from .103 to 1 acre.

A spreadsheet with five improved sales was also submitted by the Assessor. The sales included average condition, good grade residences like subject. These sales ranged in price from \$375,000 to \$657,000.

Respondent submitted a copy of Idaho Code § 39-3635 which mandated leased properties be valued by the County the same as nonleaseholds in order to establish market value for water and sewer district purposes. Idaho Code § 63-205 describes the necessity of assessing taxable property at market value.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in

support of their respective positions, hereby enters the following.

The argument of Appellant's possession rights to the leased land in question being exempt from taxation is answered in Idaho Code § 39-3635(3).

Idaho Code § 39-3635 addresses cottage site leases and reads in pertinent part:

(3) Notwithstanding that title to a cottage site remains in the state of Idaho, each cottage site lessee shall pay to any district operating a sewer system to which the cottage site is connected as provided in subsection (2) of this section, each year in the same manner and at the same time as county taxes are paid and collected a sum of money in lieu of taxes equal to the sum which would have been paid had the cottage site been held in private ownership, hereinafter called special benefits payments . . . The cottage site lessee shall have such rights of protest, hearings and appeals with respect to the valuation of the cottage site for purposes of determining the special benefits payments as if such cottage site were held in private ownership. (Emphasis added.)

This statute requires such leased property be valued as if it were held in private ownership (unencumbered fee simple interest). Nothing in the record indicates the method used by Respondent to value subject was erroneous.

The Assessor presented land sales and improved sales to support the assessed value of subjects.

"The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the] evidence that he is entitled to the relief claimed." Board of County Comm'rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

To overcome the presumption that the assessment of subject is correct, Appellant must introduce evidence showing error in the assessment. No sales or other market information was submitted by Appellant for the Board to consider.

Under these circumstances, the Board finds Appellant has not supported the value claims. The decisions of the Valley County Board of Equalization is affirmed.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decisions of the Valley County Board of Equalization concerning the subject parcels be, and the same hereby are, affirmed.

MAILED MAY 1, 2008